

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JOHN C. SKINNER, Register No. 1069523,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-4009-CV-C-SOW
	)	
CORRECTIONAL MEDICAL SERVICES,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

On August 22, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record<sup>1</sup>, including the exceptions filed by plaintiff on September 14, 2007, and the affidavits submitted shortly thereafter. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The record indicates plaintiff did not exhaust his administrative remedies, and his challenge to the interpretation of the grievance procedure is without merit. Plaintiff is a frequent litigator who is familiar with the grievance procedure and exhaustion requirement, and if he is not provided with as many IRR forms as he would like, he may have to prioritize his requests. The record shows he has access to the grievance procedure.

The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is

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<sup>1</sup>Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.

considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 22, 2007, is adopted. [80] It is further

ORDERED that defendants' motions to dismiss is granted and plaintiff's complaint is dismissed, without prejudice, pursuant to 42 U.S.C. § 1997e, for failure to exhaust administrative remedies. [15, 43]

/s/Scott O. Wright  
SCOTT O. WRIGHT  
Senior United States District Judge

Dated: October 2, 2007